

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE INJECTAFER PRODUCTS  
LIABILITY LITIGATION**

**This Document Relates To:**

**CROCKETT v. LUITPOLD PHARMA.,  
INC., NO. 2:19-cv-00276;**

**ATKINSON v. LUITPOLD PHARMA.,  
INC., NO. 2:19-cv-00277; and**

**KRUEGER v. LUITPOLD PHARMA.,  
INC., NO. 2:19-cv-00984.**

**NO. 2:19-CV-00276-WB**

**HON. WENDY BEETLESTONE**

**JOINT STIPULATION TO AMEND  
SCHEDULING DEADLINES**

WHEREAS, the Parties negotiated extensions of those deadlines to the dates set forth below to which Defendants agreed not to oppose;

WHEREAS, Defendants will not agree to further extensions of the deadlines set forth below without good cause and prior Court approval; and

WHEREAS, Defendants and Plaintiffs agree to simultaneously proceed with Court-ordered discovery in the other cases pending in this litigation, including, but not limited to discovery pertaining to the bellwether cases and under the current Case Management Orders for the remainder of the docket.

IT IS THEREFORE STIPULATED AND AGREED, by and between Plaintiffs Katherine Crockett, Melanie Atkinson, and Jennifer Krueger (“Plaintiffs”) and Defendants American Regent, Inc. (“ARI”),<sup>1</sup> Daiichi Sankyo, Inc., Daiichi Sankyo US Holdings, Inc., and

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<sup>1</sup> The American Regent, Inc. entity named as a defendant in Plaintiff’s Complaint was a wholly-owned subsidiary of Luitpold Pharmaceuticals, Inc. and no longer exists. To streamline its

Vifor (International) AG (“Vifor”)(“Defendants”) (collectively, the “Parties”), through their respective counsel, and subject to the approval of the Court, that scheduling deadlines set by the Court in its Order dated July 14, 2022, for the above-captioned Group 1 cases be amended as follows:

1. Any motions for summary judgment specific to the *Crockett*, *Atkinson*, or *Krueger* cases shall be filed and served on or before December 8, 2022, extended from November 10, 2022;
2. Motions for summary judgment that are unrelated to the *Crockett*, *Atkinson*, or *Krueger* cases shall not be filed at this time;
3. Any motions for Rule 702 (*Daubert*) Motions in the *Crockett* case shall be filed and served on or before December 8, 2022, extended from November 10, 2022;
4. Any motions for Rule 702 (*Daubert*) Motions in the *Atkinson* and *Krueger* cases shall be subject to a separate deadline, which will be subject to a future Court order;
5. If the Parties do not plan on filing summary judgment motions in the *Crockett*, *Atkinson*, or *Krueger* cases, and/or Rule 702 (*Daubert*) Motions in *Crockett*, they shall so report to the Court (Chambers, Room 1014) on or before December 8, 2022, extended from November 10, 2022;
6. Any oppositions to motions for summary judgment in the *Crockett*, *Atkinson*, or *Krueger* cases and/or oppositions to Rule 702 (*Daubert*) Motions in *Crockett* shall be filed on or before January 19, 2023, extended from December 15, 2022; and

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business, Luitpold Pharmaceuticals, Inc. merged this entity into itself on December 31, 2018. Thereafter, the surviving entity was renamed American Regent, Inc. Herein, use of “American Regent, Inc.” refers to all of the new surviving entity, the former Luitpold Pharmaceuticals, Inc., and the former American Regent, Inc.

7. Any replies in support of motions for summary judgment in the *Crockett*, *Atkinson*, or *Krueger* cases and/or Rule 702 (*Daubert*) Motions shall be filed on or before February 9, 2023, extended from January 13, 2023.
8. A hearing for any Rule 702 (*Daubert*) Motions in *Crockett* will be held at 9:00 AM on Wednesday, April 12, 2023;
9. A hearing, if any, for any summary judgment motion(s) in the First Group 1 Jury Trial Case will be held April 13, 2023;<sup>2</sup>
10. The jury trial in *Crockett* is scheduled for 9:00 AM on June 5, 2023.

**STIPULATED TO and AGREED TO BY:**

Dated: October 27, 2022

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<sup>2</sup> The Parties styled this Order to track the Court's previous Order, however, depending on the nature of the motions and the issues raised at that time, Defendants believe it may be more efficient for the Court, and more helpful to the Parties, to hear Rule 702 (*Daubert*) and summary judgment motions filed in all three Group 1 cases at the same time, rather than limiting the hearing to the first trial case, especially if some motions relate to more than the first trial set case. Defendants ask the Court to consider reserving the decision on whether to hear such motions in one or more cases. Plaintiffs disagree and believe that in the interests of efficiency and time, the Rule 702 (*Daubert*) and motion for summary judgment hearing as set forth in this Order should be reserved for the first trial case. The Parties can submit new Proposed Orders with dates specific to the second and third Group 1 trials that will include the relevant Rule 702 (*Daubert*) and summary judgment hearing dates therein.

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SO ORDERED, this \_\_27th\_\_ day of October , 2022

/s/Wendy Beetlestone, J.

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**WENDY BEETLESTONE, J.**